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EXAMINER

SRIVASTAVE, V

ART UNIT PAPER NUMBER

2602

7

DATE MAILED: 04/18/97

This is a communication from the examiner in charge of your application.  
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### OFFICE ACTION SUMMARY

Responsive to communication(s) filed on \_\_\_\_\_

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1 - 37 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1 - 35 and 37 is/are rejected.

Claim(s) 36 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been  received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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## **DETAILED ACTION**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 14, 19, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by West.

Considering claim 1, West discloses all the claimed subject matter, note:

- 1) the claimed a method of creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content, is met by column 5 lines 3 - 19 and column 7 lines 5 - 10,
- 2) the claimed providing information to a user which describes each of the category labels is met by column 4 lines 58 - 67 and column 5 lines 20 - 40,
- 3) the claimed prompting the user to input a value for each of the category labels in response to the provided information is met by column 7 lines 29 - 40 and column 10 lines 1 - 26,

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4) the claimed forming the local information label based on the input values is met by column 5 lines 1 - 29.

Considering claim 2, West discloses all the claimed subject matter, note the claimed wherein the information provided to the user comprises descriptive phrases which describe categories of program content is met by column 4 lines 58 - 67 and column 5 lines 29 - 40.

Considering claim 3, West discloses all the claimed subject matter, note the claimed further comprising the step of receiving from a remote source the descriptive phrases is met by column 4 lines 58 - 67 and column 5 lines 1 - 40.

Considering claim 4, West discloses all the claimed subject matter, note the claimed wherein the descriptive phrases comprises standardized definitions is met by column 5 lines 30 - 40 ( R = restricted).

Considering claim 5, West discloses all the claimed subject matter, note the claimed further comprising the step of displaying graphically the values for the category label is met by column 5 lines 27 - 30.

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Considering claim 6, West discloses all the claimed subject matter, note the claimed wherein the steps of providing information to the user and prompting the user are carried out for each of the category labels is met by column 15 lines 1 - 40 and column 14 lines 30 - 54.

Considering claim 7, West discloses all the claimed subject matter, note:

- 1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 2 - 19,
- 2) the claimed means for providing information to a user which describes each of the category labels is met by column 4 lines 59 - 67 and column 5 lines 20 - 40,
- 3) the claimed means for prompting the user to input a value for each of the category labels in response to the provided information is met by column 5 lines 1 - 19, column 7 lines 29 - 40 and column 10 lines 1 - 26,
- 4) the claimed means for forming the local information label based on the input values is met by column 5 lines 2 - 19.

Considering claim 8, West discloses all the claimed subject matter, note:

- 1) the claimed means for prompting the user to identify a person associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

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2) the claimed means for storing in the local information label an identification code which identifies the person is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 9, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a group of people associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,  
2) the claimed means for storing in the local information label an identification code which identifies the group of people is met by column 4 lines 48 - 52 and column 5 lines 3 - 19.

Considering claim 10, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a daily time period associated with the local information label would have been inherent, the user would have been prompted by the apparatus to input a time period since the user can input the censorship times associated with the information label (column 5 lines 1 - 8),  
2) the claimed means for storing in the local information label a timing code which identifies the daily time period is met by column 4 lines 48 - 57 and column 5 lines 2 - 19.

Considering claim 11, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of the plurality of users is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

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Considering claim 12, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of combination of users is met by column 4 lines 48 - 57 and column 5 lines 30 - 40.

Considering claim 13, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of daily time periods is met by column 4 lines 58 - 66 and column 5 lines 1 - 19.

Considering claim 14, West discloses all the claimed subject matter, note the claimed further comprising at least one of an audio storage medium, a data storage medium, and a video storage medium for storing the information provided to the user is met by column 4 lines 58 - 67 and column 5 lines 1 - 19 (it is inherent that the apparatus contains a audio and video storage medium to compare the audio (language) and video (violence) codes transmitted and inputted to compare for censorship).

Considering claim 19, West discloses all the claimed subject matter, note:

- 1) the claimed an apparatus for selecting a local information label for at least one program user is met by column 5 lines 3 - 40 (by inputting pin#),

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- 2) the claimed means for storing a local information label which is associated with at least one user is met by column 4 lines 48 - 57 and column 5 lines 3 - 19,
- 3) the claimed means for inputting an identification code which identifies the at least one user is met by column 5 lines 3 - 19 and column 12 lines 15 - 18,
- 4) the claimed means for activating the local information label associated with the at least one user based on the input identification code is met by column 5 lines 3 - 19 and column 14 lines 38 - 55.

Considering claim 20, please refer to claim 19.

Considering claim 23, West discloses all the claimed subject matter, note:

- 1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,
- 2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

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3) the claimed means for storing the at least one category label value for programs presented to the user is met by column 5 lines 1 - 40 (stored category label value provides type of programming for the user).

3. Claim 34 rejected under 35 U.S.C. 102(b) as being anticipated by Olivo.

Considering claim 34, Olivo discloses all the claimed subject matter, note:

1) the claimed a method for scheduling an advertisement during a program, the program having a program information label which rates the instantaneous content of the program at least two levels is met by column 14 lines 30 - 53 (alternate programming),

2) the claimed scanning the program information label to ascertain the instantaneous content level of the program over the duration of the program is met by column 14 lines 30 - 53,

3) the claimed transmitting the advertisement at a time based on the instantaneous content level of the program information label is met by column 14 lines 30 - 53 (alternate programming is transmitted and received).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 - 18, 21, 22, 27 - 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 15, West does not specifically disclose the claimed further comprising a portable memory for storing local information label.

West discloses of storing the local information label in a memory. It would have been obvious that storing the category label in portable memory would have provided censorship of programming like storing programming in the memory disclosed by West, furthermore the use of portable memory for the storage of a category label would have been well known in the art (discs, tapes, cards, etc.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include a portable memory in the invention of West, because it would have been obvious that a portable memory would have provided censorship of programming as the conventional memory of West and it would have been obvious and known in the art that the use of portable memories would have added versatility to a system because the memory would have the possibility of being transported and used at a plurality of locations.

Considering claim 16, West discloses the following claimed subject matter, note:

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1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,

3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". It would have been obvious that the information prompting the user to "ENTER YOUR PIN NUMBER" would have been a question as to the user's PIN number (ENTER YOUR PIN NUMBER ?) and that entering the censorship ratings would have been directly related to the category labels (ratings are entered for the category labels). Therefore, it would

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have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting questions to a user which are related to the category labels and to include a means for receiving answers presented to the user because it would have been obvious that "ENTER YOUR PIN NUMBER" in the invention of West would have been a question asking the user what is their PIN number and it would have been obvious that a receiving means would have been include to receive the inputted answer to the question (inputted PIN number).

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that questions presented to the user were indirectly related to the category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

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Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

Considering claim 21, West does not specifically disclose the claimed wherein the means for passively identifying the at least one user comprises at least one of: means for identifying a physical feature of the at least one user's face, means for identifying a heat signature of the at

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least one user, means for identifying a voice pattern of the at least on user and means for identifying a fingerprint of the at least on user.

West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the house hold are assigned PIN numbers for identification to access tv programs. Each PIN number is customized with respect to each individual controlling censorship of programs and the quantity of viewing times. A means of identification with respect to ones physical facial features, heat signature, voice pattern, or fingerprint would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used one of the above claimed means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a household, and the above means of identification would have been well known in the art.

Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,

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2) the claimed means for inputting an age of the user,  
3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious that the ages of the members would have resulted in the amount of censorship required. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for inputting an age of the user to activate one of the information labels because it would have been obvious from the teaching of West that the age of the user would have been an important factor in determining the amount of censorship required, and with the inputting of an age, and having the local information labels associated with the age and activated with the inputting of the age, censorship of tv programs with respect to one's age would have been expected.

Considering claim 27, West discloses the following claimed subject matter, note:

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1) the claimed a method of forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 3 - 40,

2) the claimed presenting a program to a user is met by column 4 lines 48 - 67 and column 5 lines 1 - 3,

3) the claimed presenting to the user a representation of a transmitted category label having a value which identifies the content of the program is met by column 5 lines 3 - 40,

4) the claimed receiving an indication from the user that the content of the program is unacceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed modifying the value associated with the local category label based on the received indication from the user that the content of the program is unacceptable,

2) the claimed forming the local information label on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of permanently modifying the category label by the user with respect to what the user feels is acceptable and also discloses of temporarily overriding the censorship to provide access to the programming. It would have been obvious that if the user felt that the programming was unacceptable the remote/keypad would have received the indication by the user inputting the code to alter the category label and that the modified label

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would have the option of being permanent or temporary (overriding access) at the users discretion. Therefore it would have been obvious to one having ordinary skill in the art the time the invention was made modifying the local information label and category label would have had the possibility of being altered in the invention of West because it would have been obvious altering of the information and category label (permanent or temporary) would have been possible by receiving an input signal by the user if the user felt that the programming was unacceptable.

Considering claim 28, West does not specifically disclose the claimed wherein the modifying step comprises reducing the value associated with local category label such that it is less than the value associated with transmitted category value.

West discloses of modifying the value of the local category label to customize the value for each member of the household. It would have been obvious that in allowing or censoring the programming material the category label would have been either higher or lower than the value of the transmitted category label. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made modifying the local category label would have resulted in a value less than the value associated with transmitted category label because it would have been obvious that the lower or higher value of the local category label with respect to the transmitted label would have permitted access or provided censorship of the programming material.

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Considering claim 29, West discloses all the claimed subject matter, note the claimed further comprising the step of blocking at least a portion of the program of substituting program material for objectional material when the value associated with the local category label is less than the value of the transmitted category label is met by column 7 lines 11 - 28.

Considering claim 30, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 2 - 19,

2) the claimed means for presenting a program to a user is met by column 1 lines 4 - 9,

3) the claimed means for receiving an indication from the user that the content of the program is unacceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed means for modifying the value associated with the local category label based on the received indication from the user that the content of the program is unacceptable,

2) the claimed means for forming the local information label based on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of permanently modifying the category label by the user with respect to what the user feels is acceptable and also discloses of temporarily overriding

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the censorship to provide access to the programming. It would have been obvious that if the user felt that the programming was unacceptable the remote/keypad would have received the indication by the user inputting the code to alter the category label and that the modified label would have the option of being permanent or temporary (overriding access) at the users discretion. Therefore it would have been obvious to one having ordinary skill in the art the time the invention was made modifying the local information label and category label would have had the possibility of being altered in the invention of West because it would have been obvious altering of the information and category label (permanent or temporary) would have been possible by receiving an input signal by the user if the user felt that the programming was unacceptable.

Considering claim 31, West does not specifically disclose the claimed further comprising means for indicating whether the modification of the value associated with the local category label is to be temporary or permanent. Please refer to claim 30 for reasons of obviousness.

Considering claim 32, West discloses all the claimed subject matter, note the claimed wherein the means for receiving an indication comprises a button on a remote control device, the button being associated only with the local information label is met by column 9 lines 2 - 15.

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Considering claim 33, West does not specifically disclose the claimed wherein the means for receiving an indication comprises a voice recognition system.

West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the household are assigned PIN numbers for identification to access tv programs. The head of the household has a PIN number for identification to modify the labels for each household member. A means of identification by a voice recognition system would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used a voice recognition system as a means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a household to control the local labels, and voice recognition as a means of identification would have been well known in the art.

Considering claim 35, West discloses the following claimed subject matter, note the claimed means for receiving first and second local information label based on the first and second local information labels is met by column 5 lines 1 - 50 (based on inputting censorship ratings for plurality of household members),  
except for:

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- 1) the claimed an apparatus for creating a combination local information label associated with a first user and a second user,
- 2) the claimed means for creating the combination local information label based on the first and second local information labels.

West discloses of creating an information label for each household member for censorship purposes. It would have been obvious to create a combination information label for two users based on the first and second information labels. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to create a combination label for two users based on the first and second information label because a plurality of users with different ages would have access to the tv requiring multiple labels, and it would have been obvious to create a combination label for two or more people watching tv in different age groups to accommodate both household members.

6. Claims 24 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Hunter and Martin J.A.

Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

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West discloses of presenting to the user programming which can be censored from the user location.

Hunter discloses of providing a means of censoring programming and teaches of providing the user with a menu of censored programming the user desires for enjoyment. Martin discloses of censoring programming for the user and teaches of providing remote accumulation of statistics of general interest.

West, Hunter, and Martin all disclose of the censorship of programming for a user wherein the user accesses the censored programming by inputting a PIN or ID code. Hunter teaches of providing a menu of programming for the user which comprises of censored programming for selection by the user (ex. children), and Martin discloses of providing remote accumulation of statistics of general interest. It would have been obvious to accumulate statistics of the user preferences to provide a menu to the user to provide programming for user enjoyment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to accumulate data as to the user preferences and provide a menu of the preferred programming to the user as taught by Hunter and Martin in the invention West, because it would have been obvious that storing user history as to the programming the user prefers and providing the user with a menu of programming the user prefers would have resulted in providing the user with the censored programming the user desired and user enjoyment from receiving the programming of preference would have been expected.

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Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

*Allowable Subject Matter*

7. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Sweetser - Video Control System
- b) Benjamin - Restrictive Access Control System
- c) Kwoh - Apparatus And Method For Total Parental Control Of Television Use
- d) Vogel - Automatic Censorship of Video Programs

9. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached at (703) 305 - 4702. The fax phone number for this group is (703) 305 - 3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 4700.

VS 4/8/97

  
JOHN K. PENG  
SUPERVISOR - ART. 2602 EXAMINER  
GROUP 2602